THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 9684 of 2007

Dated 30th April 2007

Between:

N.Adi Mohan

... Petitioner

and

The Deputy Transport Commissioner and Secretary, Regional Transport Authority, Kadapa & another

... Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 9684 OF 2007

O R D E R:

The heavy goods vehicle of the petitioner, bearing No.AP-04U-9669, was seized on 24.2.2007, on the ground that the vehicle was over loaded and that the petitioner failed to produce the necessary documents, in relation to it. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 24.2.2007, issued by the 2nd respondent, discloses that the vehicle was over loaded and the petitioner did not produce Permit, Driving Licence, Fitness Certificate and proof of payment of tax. Certain other lapses were also

pointed out. The liability of the petitioner, in the context of these observations, needs to be established, in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent, till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected, by imposing necessary conditions, while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a) The heavy goods vehicle, bearing No.AP-04U-9669, shall be released to the petitioner, on his depositing a sum of Rs.15,000/- (Rupees Fifteen thousand Only).

b) The petitioner shall also furnish an undertaking, to the effect that he shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized, and that he shall produce the vehicle, as and when required.

c) The petitioner shall be entitled to operate the vehicle only after paying the dues of tax, if any.

There shall be no order as to costs.

30th April 2007

Note: Issue C.C. by tomorrow.

(B/o)
PAN